

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Unithai Maritime Limited

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: <u>5/21/07</u>
DATE FILED: <u>5/21/07</u>

ORIG/A/11.

Plaintiff,

- against -

CPM Corporation and Vasteast
International Limited

Defendants.

07 Civ. 03155 (DC)

**SECOND EX PARTE ORDER FOR
PROCESS OF MARITIME
ATTACHMENT AND GARNISHMENT**

WHEREAS, on April 20, 2007 the Court issued an Ex Parte Order for Process of Maritime Attachment and Garnishment with respect to defendant CPM Corporation; and

WHEREAS, the said April 20, 2007 Order, and all process issued pursuant to the Order, remain in full force and effect; and

WHEREAS, on May 16, 2007 plaintiff filed an Amended Verified Complaint herein adding Vasteast International Limited as a defendant and seeking damages of \$1,450,356.04 and praying for the issuance of Process of Maritime Attachment and Garnishment with respect to defendant Vasteast International Limited pursuant to Rule B of the Supplemental Admiralty Rules for Certain Admiralty and Maritime Claims of the Federal Rules and Civil Procedure; and

WHEREAS, the Process of Maritime Attachment and Garnishment would command that the United States Marshal or other designated process server attach any and all of the property of the Defendant Vasteast International Limited within the District of this Court; and

WHEREAS, the Court has reviewed the Amended Verified Complaint and the supporting declaration, and the conditions of Supplemental Admiralty Rule B appearing to exist, it is hereby

ORDERED, that Process of Maritime Attachment and Garnishment shall issue against all tangible or intangible property belonging to, claimed by or being held for Defendant Vasteast International Limited by any garnishees within this District, including, but not limited to, American Express Bank, Bankers Trust, Bank of America, Bank of China, Bank of New York, Barclays Bank, BNP Paribas, Calyon, Citibank, Credit Suisse First Boston, Deutsche Bank, HSBC (USA) Bank, J.P. Morgan Chase, Standard Chartered Bank, Union Bank of Switzerland and/or Wachovia Bank in an amount up to and including \$1,450,356.04 pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure; and it is further

ORDERED, that any person claiming an interest in the property attached or garnished pursuant to said order shall, upon application to the Court, be entitled to a prompt hearing at which the Plaintiff shall be required to show cause why the attachment and garnishment should not be vacated or other relief granted; and it is further

ORDERED, that supplemental process enforcing the Court's Order may be issued by the Clerk upon application without further Order of the Court; and it is further

ORDERED, that following initial service by the United States Marshal or other designated process server upon each garnishee, that supplemental service of the Process of Maritime Attachment and Garnishment, as well as this Order, may be made by way of facsimile or email transmission to any garnishee that advises Plaintiff that it consents to such service; and it is further

ORDERED, that service on any garnishee as described above is deemed effective continuous service throughout that day from the time of such service through the opening of the garnishee's business the next business day; and it is further

ORDERED, that pursuant to Federal Rule of Civil Procedure 5(b)(2)(D) each garnishee may consent, in writing, to accept service by any other means; and it is further

ORDERED, that a copy of this Order be attached to and served with said Process of Maritime Attachment and Garnishment.

SO ORDERED, this 21st day of May 2007



U.S.D.J.

A handwritten signature in black ink, appearing to read "R. G." followed by a stylized "G". Below the signature, the initials "U.S.D.J." are handwritten in a smaller, more standard font.